



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana

DEPARTMENT OF JUSTICE

P.O. BOX 94005

BATON ROUGE

70804-9005

July 17, 2015
Opinion 15-0038

The Honorable Kevin M. Friloux
Justice of the Peace
Concordia Parish
309 Walnut Street
Vidalia, LA 71373

Dear Mr. Friloux:

57 Justices of the Peace

La. R.S. 13:2581
La. C.C.P. art. 4916
La. C.Cr.P. art. 944

There is no exception in Louisiana law which would allow a Justice of the Peace to hold court outside the ward or district from which he is elected, absent an order from the Louisiana Supreme Court pursuant to La. C.Cr.P. art. 944.

Your request regarding the location a justice of the peace holds court has been assigned to me for research and reply. Your request asked for a clarification of La. Atty. Gen. Op. No. 10-0187, which opined that a justice of the peace may only hold court in the ward or district from which the justice of the peace is elected. More specifically, you have asked if you, as a justice of the peace, may perform your duties outside the geographical boundaries of your district.

In your request, you have noted that there is no suitable and available public place within your district in which you can hold court. Additionally, you note it would be more convenient for many of your district's residents to go to court at the local parish courthouse, which is located outside of your district, rather than a location within the district.

Justice of the peace courts are constitutional offices exercising the judicial power of the State of Louisiana, and presiding justices of the peace are judges within the contemplation of the law.¹ La. R.S. 13:2581 *et seq.* provides for the qualifications, duties, and jurisdictions of justices of the peace. The territorial jurisdiction of justices of the peace in Concordia Parish, where you are located, is described by La. R.S. 13:2609, which states:

Effective January 1, 1997, the territorial limits of the justice of the peace courts in Concordia Parish shall be the same as the parish police jury districts within the parish and the persons elected to the offices of justice of the peace and constable for those courts at the 1996 congressional election shall be elected from those districts. If the police jury district lines are changed thereafter, the territorial jurisdiction of the justice of the peace courts shall also be changed to coincide with the new police jury district lines effective at the beginning of the next regular term of office for justices

¹ *Redwine v. State*, 94-0160 (La. App. 1 Cir. 12/22/94), 640 So.2d 61. Additionally, justice of the peace courts are placed in the Judicial Branch of Louisiana in art. V, sec. 20 of the Louisiana Constitution.

of the peace and constables. However, in the event that the change in police jury district lines increases or reduces the number of police jury districts, the territorial jurisdiction of the justice of the peace courts shall not be changed but shall remain the same.

In La. Atty. Gen. Op. No. 10-0187, our office stated that, "... the jurisdiction of a justice of the peace court is limited to the territorial boundaries of the ward from which the justice of the peace is elected",² and that "[a]cts performed outside of the court's territorial jurisdiction are invalid."

The Louisiana Supreme Court has noted that courts cannot act outside the limits of their jurisdiction without express authority. In *Tanner v. Beverly Country Club*, 47 So.2d 905, 911 (La. 1950), the Court stated, "a judge shall not exercise any jurisdiction beyond the limits of the territory assigned to him." The court went on to state that, "[i]n the absence of a constitutional or statutory provision [when authorized by the Constitution] for extraterritorial jurisdiction, a court created within and for a particular territory within the state is limited in its jurisdiction to such territory." *Id.* at 911-912.

We located one exception allowing a justice of the peace to hold court outside of their territorial jurisdiction in La. C.Cr.P. art. 944, which states:

A. When the supreme court makes the determination that an appellate, district, parish, city, municipal, juvenile, traffic, justice of the peace, or family court having jurisdiction over criminal prosecutions and proceedings shall conduct proceedings outside its parish or territorial jurisdiction, the supreme court may order emergency sessions of court at a location or locations which are both feasible and practicable outside the parish or territorial jurisdiction of that court. This determination shall be based upon emergency or disaster circumstances, including but not limited to the lack of a readily available alternative location to conduct court within the parish, terrorist events, enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or other natural or manmade causes resulting in the displacement of thousands of residents and the destruction of or severe damage to courthouses and other facilities supporting the criminal justice system. In making this determination, the supreme court shall make a reasonable effort to consult with the chief judge, the district attorney, the district public defender, and the clerk of the affected court.

B. The supreme court order requiring emergency sessions of court shall name the affected court, the location or locations in which the emergency sessions of that court shall be conducted, and the date on which emergency sessions shall commence.

² See also La. Atty. Gen. Op. Nos. 77-264, 06-0123, and 08-0341.

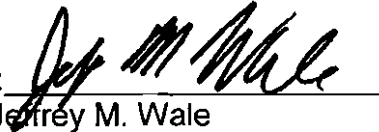
However, La. C.Cr.P. art. 944 only applies to criminal proceedings during times of emergency or disaster. No similar exception exists for a justice of the peace to hold court outside of his territorial jurisdiction under any other circumstances.

Based on this analysis, we must confirm our office's opinion in La. Atty. Gen. Op. No. 10-0187 that justices of the peace can only hold court within their own jurisdiction. Due to the absence of any relevant changes in the law, our opinion does not change.

We hope this opinion adequately addresses the concerns you have raised. If you have any further questions, please do not hesitate to contact our office.

With best regards,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY: 

Jeffrey M. Wale
Assistant Attorney General

JDC: JMW